



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

APR 10 1996

CERTIFIED MAIL - See Attached List  
RETURN RECEIPT REQUESTED

To Addressees

Re: Order 96-08 pursuant to 42 U.S.C. Section 9606  
Dodson Brothers Oil

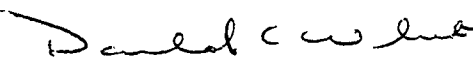
Dear Addressees:

The enclosed Order is issued by the United States Environmental Protection Agency (EPA), pursuant to Section 106 of CERCLA, 42 U.S.C. Section 9606, to prevent or mitigate the immediate and significant risk of harm to the human health and environment. The Order requires you to take immediate action to contain and prevent the release or potential release of hazardous substances at the Dodson Brothers Oil site formerly located at 10810 Monte Vista Boulevard, Montclair, California (the Site).

If EPA is unable to reach an agreement with you regarding your performance of the removal activities specified in the Order, EPA will conduct these removal actions itself and as a potentially responsible party (PRP) you may be liable for all the Agency's incurred costs.

If you have any technical questions, please contact Daniel Shane at (415) 744-2286. For legal questions, please contact Jeannie Cervera at (415) 744-1388. All other questions may be referred to John Jaros at (415) 744-2316.

Sincerely,

  
Keith A. Takata, Director  
Hazardous Waste Management Division

enclosures: Unilateral Administrative Order 96-08  
Appendix A: PRP List  
Index to the Administrative Record

Unilateral Administrative Order 96-08 has been sent to the following:

1. Floyd Dodson 745-799-023  
P.O. Box 307  
Doyle, CA 96109
2. Behr Process Company 745-799-024  
Attn: Michael Butler  
1603 W. Alton Avenue  
Santa Ana, California 92704
3. Detrex Corporation 745-799-025  
Attn: Robert Currie, Esq.  
24901 Northwestern Highway, Suite 500  
Southfield, Michigan 48075
4. Lockheed Martin 745-799-018  
Attn: William A. Sullivan, Esq.  
Assistant General Counsel  
4500 Park Granada Boulevard  
Calabasas, California 91399
5. Mobil Oil Corporation 745-799-019  
Superfund Response Branch  
Attn: Michael Skinner, Esq.  
3225 Gallows Road  
Fairfax, Virginia 22037



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

1 IN THE MATTER OF:

) Order No. 96-08

2  
3  
4 Dodson Brothers Oil Site  
5 10810 Monte Vista Avenue  
6 Montclair, CA 91763

) ADMINISTRATIVE ORDER  
) PURSUANT TO SECTION 106  
) OF THE COMPREHENSIVE  
) ENVIRONMENTAL RESPONSE  
) COMPENSATION AND  
) LIABILITY ACT OF 1980  
) as amended, 42 U.S.C.  
) Section 9606

7  
8  
9  
10  
11 RESPONDENTS:

12  
13 FLOYD DODSON, an individual

14  
15 BEHR PROCESS COMPANY

16  
17 DETREX CORPORATION

18  
19 LOCKHEED MARTIN CORPORATION

20  
21 MOBIL OIL CORPORATION  
22  
23  
24

25 PREAMBLE

26 This Administrative Order (Order) is issued on this  
27 date to the Respondents, pursuant to the authority vested in the  
28 President of the United States by Section 106(a) of the  
29 Comprehensive Environmental Response, Compensation, and Liability  
30 Act of 1980, 42 U.S.C. Section 9606(a), as amended by the  
31 Superfund Amendments and Reauthorization Act of 1986, Pub. L.  
32 99-499 (CERCLA), delegated to the Administrator of the United  
33 States Environmental Protection Agency ("U.S. EPA") by Executive  
34 Order No. 12580, January 23, 1987, 52 Federal Register 2923,  
35 further delegated to the EPA Regional Administrators by U.S. EPA  
36 Delegation Nos. 14-14-A and 14-14-B, and further redelegated to  
37 the Director, Hazardous Waste Management Division by Region IX  
38 Delegations 1290.41 and 1290.42.

39 The State of California has been notified of the  
40 issuance of this Order as required by Section 106(a) of CERCLA,  
41 42 U.S.C. Section 9606(a).

1           This Order requires the Respondents to undertake and  
2 complete removal activities to abate an imminent and substantial  
3 endangerment to the public health and welfare or the environment  
4 that may be presented by the actual or threatened release of  
5 hazardous substances at or from the Site.

6                           PARTIES BOUND

7           This Order applies to and is binding upon Respondents  
8 and Respondents' heirs, receivers, trustees, successors and  
9 assigns. Any change in ownership or corporate status of  
10 Respondents including, but not limited to, any transfer of assets  
11 or real or personal property shall not alter such Respondents  
12 responsibilities under this Order. Respondents are jointly and  
13 severally liable for carrying out all activities required by this  
14 Order. Compliance or noncompliance by one or more Respondents  
15 with any provision of this Order shall not excuse or justify  
16 noncompliance by any other Respondent. Respondents shall ensure  
17 that their contractors, subcontractors, and representatives  
18 comply with this Order. Respondents shall be responsible for any  
19 noncompliance.

20                           FINDINGS OF FACT

21           Based on available information, including the  
22 Administrative Record in this matter, U.S. EPA hereby finds:

23                   1.   Site Description/Location

24           The Dodson Brothers Oil site was formerly located  
25 at 10810 Monte Vista Avenue, City of Montclair, County of San  
26 Bernardino, California (the Site). This privately owned parcel  
27 of land and buildings thereon are the subject of this  
28 Administrative Order.

29           The Dodson facility, owned and operated by Floyd  
30 Dodson, was an unpermitted treatment, storage, and disposal  
31 facility (TSD) which operated from 1975 until 1982 when it was  
32 closed by local and county health officials after fire caused by  
33 a tank explosion revealed numerous health and safety violations.  
34 Shortly thereafter, the facility was abandoned. In 1985, San  
35 Bernardino County dismantled and removed the remaining above  
36 ground tanks and structures.

37           In addition to waste oils, the facility accepted  
38 waste fuels, spent solvents, and other liquid wastes. Liquid  
39 wastes were unloaded into above ground storage tanks which were  
40 used for storing, mixing, and settling the liquids. This process  
41 allowed the various wastes to gravity separate into an upper non-  
42 aqueous oily phase and a lower aqueous phase. The oil-based  
43 portion was either blended and sold to a waste oil and/or fuel  
44 distributor or deposited in one of two surface impoundments (SI).  
45

1 The remaining aqueous waste stream was pumped into an underground  
2 storage tank (UST). Other wastes were disposed of by a tank  
3 truck which sprayed the wastes over unpaved portions of the Site.

4 The property is currently owned by Robert  
5 Kessler who owns and operates Johmar Enterprises, a salvage  
6 brokerage company, that buys and sells wrecked cars and is  
7 presently operating at the Site. The Site is situated on 7.4  
8 acres of an 18.5 parcel in a mixed commercial and residential  
9 area on a county designated area near the Montclair and Ontario  
10 city limits.

11 The property is bounded by a motel and a single-  
12 family residence to the west, a junk auto storage yard and  
13 Southern Pacific railroad tracks to the north, vacant lots, a  
14 clothing manufacturer (Lilly of California), the City of  
15 Montclair Fire Department station number 2 to the east, and  
16 another junk storage area and the main office building and garage  
17 to the south. There are additional residential areas located  
18 nearby to the west.

19 The Site is located within the Chino Groundwater  
20 Basin which is a major drinking water reservoir. Groundwater  
21 beneath the Site occurs approximately 300 feet below ground  
22 surface (bgs). The groundwater flow direction is predominantly  
23 south. The soils in this area are comprised of highly  
24 interbedded mixture of gravel, sands, silts, and clays, and are  
25 considered very permeable. Given the permeable nature of the  
26 soils, infiltration and percolation of hazardous substances from  
27 contaminated and subsurface soils to groundwater is a potential  
28 threat to the drinking water supply. There are five large water  
29 purveyors that maintain and operate 58 drinking water wells with  
30 4 miles of the Site. These water companies serve a total of  
31 433,000 people. To date, sampling results have indicated no  
32 groundwater contamination.

## 33 2. Respondents

35 Respondents to this Order are described below and  
36 listed in Appendix A.

37 Respondent Floyd Dodson operated Dodson Brothers  
38 Oil located at 10810 Monte Vista Avenue, Montclair, California  
39 from 1975 until 1982 when he abandoned the property after a tank  
40 explosion and subsequent fire resulted in an inspection by local  
41 officials that revealed numerous health and safety violations.

42 Based upon California Department of Toxic  
43 Substance Control's ("DTSC") hazardous waste manifests, in or  
44 about the years from 1975 to 1982, the Respondents, Behr Process  
45 Company, Detrex Corporation, Lockheed Martin Corporation, and  
46 Mobil Oil Corporation arranged for disposal or treatment, or

1 arranged for transport for disposal or treatment of hazardous  
2 substances at the Dodson Brothers Oil Site.

### 3 3. Incident/Release Characteristics

4 In 1991, EPA's technical contractor, the Technical  
5 Assistance Team (TAT) conducted a site inspection. This was  
6 followed by an expanded site assessment, also in 1991. The  
7 results of both assessments indicated the presence of hazardous  
8 substances and materials in the soil. To further categorize the  
9 hazardous substances at the Site, EPA hired Bechtel Environmental  
10 Inc., an environmental consultant, to conduct an Expanded  
11 Integrated Assessment (ESA) in 1992.

12 Bechtel conducted a field sampling event to  
13 determine the locations and dimensions of the buried underground  
14 storage tank (UST) and surface impoundments (SIs) and to define  
15 the vertical extent of the VOC contamination beneath the SIs.  
16 The buried tank was located and uncovered. No samples were  
17 collected and tank was reburied. The buried SIs were also  
18 located. Results of the sample analyses indicated high  
19 concentrations of VOCs in the SIs to a depth of approximately 20  
20 feet below the surface. PCE, TCE, TCA, and Toluene were found at  
21 concentrations as high as 2,700 milligrams per kilogram (mg/kg),  
22 1,500 mg/kg, and 4,800 mg/kg, respectively. An alleged third SI  
23 was not located and may not exist.

24 In March 1994, EPA tasked the Emergency Response  
25 Section (ERS) to determine if conditions at the Site warranted a  
26 removal action. In September 1994, ERS's Federal On-Scene  
27 Coordinator, Dan Shane, directed TAT to perform a removal site  
28 evaluation (RSE) which included a soil gas survey and sampling  
29 and analysis of the contents in the UST. Analyses of the  
30 contents of the UST revealed high concentrations of VOCs. PCE,  
31 TCE, and TCA were found to be as high as 12,000 mg/kg, 2,200  
32 mg/kg, and 12,000 mg/kg, respectively. The results of the soil  
33 gas survey indicated elevated concentrations of PCE, TCE, and TCA  
34 at 15 feet below the surface at locations that correlated with  
35 the known locations of the UST and SIs. Based on this  
36 information, EPA determined that conditions at the Site posed a  
37 potential endangerment to the public health, welfare, and  
38 environment.

39 On November 3, 1994, EPA sent Notices of Federal  
40 Interest to the prior and present owners of the Site (Kenneth C.  
41 Cooper, members of the Vista Land Management Company, and Robert  
42 Kessler) as potentially responsible parties (PRPs). The notice  
43 letters informed the parties of their potential liability and  
44 requested that they conduct a voluntary removal action. The  
45 parties were provided with a specific description of the work  
46 that needed to be performed with EPA providing oversight. The  
47 notified PRPs formed a PRP group (the Dodson Group) in an effort

1 to share the expense of the cleanup and to collectively perform  
2 the cleanup work.

3 A Notice of Federal Interest was also sent to  
4 Floyd Dodson, owner and operator, of Dodson Brothers Oil on  
5 January 24, 1995. However, the letter was returned by the U.S.  
6 Postal Service since Mr. Dodson refused to sign for the letter.  
7 A preliminary investigation by EPA indicates that Mr. Dodson has  
8 insufficient assets to make a significant contribution to the  
9 cleanup.

10 At a meeting in February 1995, between EPA and  
11 members of the Dodson Group, the Dodson Group decided to  
12 undertake a voluntary removal action and subsequently hired Park  
13 Environmental Inc. as its environmental contractor. After  
14 lengthy technical discussion between EPA and the Dodson Group,  
15 EPA approved a workplan in June, 1995. However, EPA did not  
16 agree with the methods proposed by the Dodson Group to remediate  
17 the contaminated soils; thus work at the site did not commence  
18 until September 1995.

19 On September 26, 1995, the Dodson Group began a  
20 voluntary removal action at the Site. Phase 1 involved removal  
21 of the contents of the UST, decontaminating the tank and hauling  
22 the tank to a scrap recycler. The hazardous waste solids removed  
23 from the UST were shipped by manifest to an appropriate disposal  
24 facility. Six soil samples were collected from the bottom of the  
25 tank excavation and the stockpile created from the soil removed  
26 around the tank to evaluate the contamination resulting from tank  
27 leakage. Results of the soil data indicated elevated  
28 concentrations of VOCs. PCE levels were as high as 58,000 ug/kg  
29 in the stockpile and 5,300 ug/kg at the southern end of the tank  
30 excavation. Phase 1 was completed on September 30, 1996.

31 On October 19, 1995, EPA sent additional Notices  
32 of Federal Interest to Behr Process Company, Detrex Corporation,  
33 Lockheed Martin Corporation, and Mobil Oil Corporation (The  
34 Generator Group) who EPA considered to be PRPs as a result of  
35 their past disposal of hazardous materials at the Dodson  
36 facility. EPA requested that they cooperate with the existing  
37 Dodson Group in completing the cleanup. Over the next several  
38 months, EPA held numerous teleconference calls with the Generator  
39 Group in an effort to encourage them to perform work in  
40 coordination with the Dodson Group. The Generator Group refused  
41 to participate in cleanup activities with the Dodson Group;  
42 however, they indicated a willingness to perform cleanup  
43 activities separately from the Dodson Group.

44 On December 11, 1995, the Dodson Group began Phase  
45 2 activities. Phase 2 involved excavation of the contaminated  
46 soils from three locations. The first two locations were the  
47 SIs. Both excavations exceeded initial size estimates due to  
48 extensive vertical and lateral extent of the waste. Organic

1 vapor readings in SI-2 indicated that high concentrations of VOCs  
2 remained in soils at the bottom of the excavation. Excavated  
3 soils and previously stockpiled soils were placed in roll-off  
4 bins. The third location was underneath the UST. Approximately  
5 two feet of visibly contaminated soil was removed from beneath  
6 this area. The waste material in the three areas ranged from  
7 discolored soil with a toluene-like odor to a black tar-like  
8 substance. This material had been uncovered during the  
9 excavation and was discovered in layers which ranged from several  
10 inches to several feet thick. Currently, all the contaminated  
11 soil is stored on-site in 39 roll-off bins.

12 On December 18, 1995, the Dodson Group suspended  
13 work to collect confirmation sampling from the bottom of the  
14 excavation pits. Results of the sampling indicated elevated  
15 concentrations of VOCs at the bottom of SI-2 and the UST. PCE  
16 was found to be as high as 400,000 ug/kg in SI-2, and 29,000  
17 ug/kg in the UST area.

18 In early January 1996, the Dodson Group informed  
19 EPA that it did not have the financial resources necessary to  
20 complete the excavation of the UST area and to perform  
21 backfilling of the other two excavation pits. In an effort to  
22 have the work continue, EPA held teleconference calls with the  
23 Generator Group on January 9 and January 22, 1996 and requested  
24 that they take immediate action to stabilize conditions at the  
25 Site. The Generator Group took no action at this time.

26 In response to continued negotiations between EPA  
27 and the Generator Group, representatives from EPA, the Generator  
28 Group, and their environmental contractor, C2-REM, conducted a  
29 site inspection on February 21, 1996. In March of 1996, the  
30 Generator Group submitted a proposal to EPA which addressed  
31 completing the remaining phases of the cleanup. However, EPA  
32 deemed the plan unsatisfactory, as it failed to adequately  
33 address the off-site disposal of the soil in the roll-off boxes  
34 and the backfilling of the two excavation pits. Subsequent  
35 conversations between EPA and C2-REM did not resolve these  
36 differences. On March 14, 1996, EPA sent a letter to the  
37 Generator Group outlining EPA's concerns with their proposed  
38 scope of work. In this letter, EPA gave the Generator Group a  
39 deadline of March 21, 1996, to comply with EPA's recommendations  
40 for the cleanup or EPA would complete the cleanup. On March 21,  
41 1996, EPA was informed by the Generator Group that another  
42 proposal would be submitted by March 28, 1996. Again, EPA found  
43 this new proposal unacceptable because it failed to adequately  
44 address the soil remediation and off-site disposal issues.  
45 To date, EPA has not received a response which indicates that the  
46 Generator Group is prepared to complete the cleanup under an EPA  
47 approved scope of work and with EPA oversight.  
48



1                   4.   Quantities and Types of Substances Present

2                   The substances of primary concern include  
3 perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, 1,1-  
4 dichloroethylene, 1,2-dichloroethane, toluene, ethylbenzene and  
5 xylene, all of which are "hazardous substances" as defined by  
6 Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and 40 CFR  
7 Section 302.4 and Table 302.4.

8                   Presently, the contaminated soils and waste  
9 materials are stored on-site in 39 roll-off bins. There are two  
10 uncovered excavation pits and another uncovered area where the  
11 UST was removed.

12  
13                   5.   Threats to the Public Health, Welfare, and  
14                   Environment

15                   The presence of hazardous substances remaining in  
16 the subsurface soils, and the potential for the substances to  
17 migrate, constitutes an actual or threatened release of hazardous  
18 substances into the environment. There is a potential for  
19 hazardous substances to migrate from the open excavations via  
20 particulate and gaseous emissions. Rainwater percolation and  
21 infiltration into the open excavations may increase the potential  
22 for hazardous substances in the subsurface soils to migrate into  
23 the groundwater.

24                   Human exposures to the primary constituents of  
25 concern, the chlorinated solvents, can cause adverse effects to  
26 the central nervous system, respiratory tract, skin, liver and  
27 kidneys. The concentrations of PCE and TCE in the soils were 150  
28 and 200 times greater than the EPA Region 9 Preliminary  
29 Remediation Goals.

30                   CONCLUSIONS OF LAW

31                   Based on the foregoing Findings of Fact and the  
32 Administrative Record supporting this removal action, U.S. EPA  
33 has concluded that:

34                   6.   The property on which Dodson Brothers Oil was  
35 located at 10810 Monte Vista Avenue, Montclair, California, is a  
36 "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C.  
37 Section 9601(9).

38                   7.   Each Respondent is a "person" as defined by Section  
39 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

40                   8.   Respondent Floyd Dodson is either a person who at  
41 the time of disposal of hazardous substances owned or operated at  
42 the Site within meaning of Section 107(a)(2) of CERCLA, 42 U.S.C.  
43 Section 107(a)(2) or who arranged for disposal of hazardous

1 substances at the Site within the meaning of Section 107(a)(3) of  
2 CERCLA, 42 U.S.C. Section 9607(a)(3).

3  
4 9. Each Respondent, Behr Process Company, Detrex  
5 Corporation, Lockheed Martin Corporation, and Mobil Oil  
6 Corporation, arranged for disposal or treatment, or arranged for  
7 transport for disposal or treatment of hazardous substances at  
8 the Dodson Brothers Oil facility within the meaning of Section  
9 107(a)(3) of CERCLA, 42 U.S.C. Section 9607(a)(3).

10 10. Each Respondent is therefore a liable person under  
11 Section 107(a) of CERCLA, 42 U.S.C. Section 9607.

12 11. Perchloroethylene, Trichloroethylene, 1,1,1-  
13 Trichloroethane, 1,1-Dichloroethylene, 1,2-Dichloroethane,  
14 Toluene, Ethylbenzene, and Xylene, all are "hazardous substances"  
15 as defined by Section 101(14) of CERCLA, 42 U.S.C. Section  
16 9601(14), and Section 302.4 of the National Contingency Plan  
17 (NCP), 40 CFR Part 300.

18 12. The presence of Perchloroethylene,  
19 Trichloroethylene, 1,1,1-Trichloroethane, 1,1-Dichloroethylene,  
20 1,2-Dichloroethane, Toluene, Ethylbenzene, and Xylene in the soil  
21 constitutes an actual or threatened "release" as that term is  
22 defined in Section 101(22) of CERCLA, 42 U.S.C. Section  
23 9601(22).

#### 24 DETERMINATIONS

25 Based on the above Findings of Fact and Conclusions of Law,  
26 the Director, Hazardous Waste Management Division, EPA Region IX,  
27 has made the following determinations:

28 13. The actual or threatened release of hazardous  
29 substances from the Facility may present an imminent and  
30 substantial endangerment to the public health, welfare, or the  
31 environment.

32 14. The actions required by this Order, if properly  
33 performed, are consistent with the National Contingency Plan  
34 ("NCP"), 40 CFR Part 300 and CERCLA and are appropriate to  
35 protect the public health, welfare, or the environment.

36 15. The conditions present at the Site constitute a  
37 threat to public health, welfare, or the environment based upon  
38 consideration of the factors set forth in the NCP at 40 CFR  
39 Section 300.415(b). These factors include, but are not limited  
40 to, the following:

- 41 a. Actual or potential exposure to hazardous substances  
42 by nearby populations, animals, or food chain  
43

1 The most serious threat is the potential contamination of  
2 the regional groundwater aquifer and drinking water source by  
3 VOCs. The deepest borings to date indicate that contaminants in  
4 the vadose zone have migrated to a depth of 50 feet below ground  
5 surface.

6 Hazardous substances are exposed at the bottom of large open  
7 excavations. These are a potential source of airborne  
8 particulate matter and gaseous emissions. Direct exposure and  
9 physical injury could result from falling into the excavations  
10 which are unstable. In addition, 39 roll-off bins are another  
11 potential source of exposure through direct contact or  
12 inhalation.

13  
14 b. Weather conditions that may cause hazardous substances  
15 to migrate or be released  
16

17 Heavy spring rains can reasonably be expected to accelerate  
18 the migration of the contaminants which have been identified in  
19 open excavations.  
20

21 c. Actual or potential contamination of drinking water  
22 supplies

23 Although there is no known contamination of nearby municipal  
24 wells, no monitoring wells have been installed in proximity to  
25 this release.  
26

27 d. The unavailability of other appropriate Federal or  
28 State response mechanisms to respond to the release

29 The State of California does not have the financial  
30 resources to perform the removal action. However, the California  
31 Regional Water Quality Control Board (RWQCB) will assume the  
32 responsibilities of the lead agency for enforcement and/or  
33 oversight of all long-term remedial actions.

34 e. High levels of hazardous substances or pollutants or  
35 contaminants in soils at or near the surface, that may  
36 migrate

37 High levels of hazardous substances remain in the subsurface  
38 soils. Confirmed sampling results from the excavations revealed  
39 elevated levels of VOCs in the SI-2 and UST areas. The VOCs have  
40 been detected as deep as 50 feet bgs.

41 f. Threat of fire and explosion

42 A fire or explosion is unlikely based on the concentrations  
43 of potentially ignitable compounds.

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16. The effective date of this Order shall be the date of signature by the Director, Hazardous Waste Management Division.

18. The Work Plan shall contain a site safety and health plan, a transportation and disposal plan, and a schedule of the work to be performed. The site safety and health plan shall be prepared in accordance with EPA's Standard Operating Safety Guide, dated November, 1984, and updated July, 1988, and with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 120.

19. The Respondents shall retain an environmental contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA of the name of such contractor within five (5) days of the receipt of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, the Respondents shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following U.S. EPA's disapproval.

20. Within three (3) calendar days after U.S. EPA approval of the Work Plan, the Respondents shall commence implementation of the Work Plan as approved or modified by U.S. EPA. Failure of any Respondent to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order. The Plan shall require the Respondents to perform, and complete within thirty (30) calendar days after approval, at a minimum, the removal activities identified in paragraphs (a-c).

1 a. Excavate additional contaminated soils below the  
2 existing bottom of the UST excavation. This involves  
3 removing about 65 cubic yards of highly contaminated  
4 soils to a depth of 8-10 feet below the existing bottom  
5 of the UST excavation.

6 b. Backfill, compact, and grade the excavated areas.  
7 This involves the backfilling of the excavated areas  
8 with clean fill, compacting the fill, grading and  
9 restoring to its original condition, in so far as  
10 possible.

11 c. Provide for the transportation and disposal of all  
12 contaminated soils at an EPA-approved disposal facility.  
13 This involves the transportation and off-site disposal  
14 of contaminated soils currently stored in 39 roll-off  
15 bins and any additional bins generated during the  
16 removal of soils from the UST area. Additionally, this  
17 involves the disposal of 13 drums containing soil  
18 cuttings and decon water derived from previous EPA site  
19 assessments.

20 21. The Respondents shall provide EPA with written  
21 weekly summary reports. These reports should contain a summary  
22 of the previous week's activities and up-coming activities.  
23

24 22. Respondents shall inform EPA at least forty-eight  
25 (48) hours prior to commencement of on-Site work.

26 23. All sampling and analysis shall be consistent with  
27 the "Quality Assurance/Quality Control Guidance for Removal  
28 Activities": "Sampling QA/QC Plan and Data Validation  
29 Procedures," EPA OSWER Directive 9360.4-01, dated April, 1990.

30 24. Any hazardous substance, pollutant, or contaminant  
31 transferred off-Site as a result of this Order must be taken to a  
32 facility acceptable under the EPA Off-Site Disposal Policy (OSWER  
33 Directive 9834.11, November 13, 1987) in accordance with CERCLA  
34 Section 121(d)(3), 42 U.S.C. §9621(d)(3).

35 25. With five (5) days of receipt of this Order, the  
36 Respondents shall designate a Project Coordinator. To the  
37 greatest extent possible, the Project Coordinator shall be  
38 present on site or readily available during site work. The U.S.  
39 EPA has designated Richard Martyn as its On-Scene Coordinator.  
40 The On-Scene Coordinator and the Project Coordinator shall be  
41 responsible for overseeing the implementation of this Order. To  
42 the maximum extent possible, communication between the  
43 Respondents and the U.S. EPA, and all documents, reports, and all  
44 other correspondence concerning the activities relevant to this  
45 Order, shall be directed through the On-Scene Coordinator and the  
46 Project Coordinator.

1           26. The U.S. EPA and the Respondents shall each have  
2 the right to change their respective designated On-Scene  
3 Coordinator or Project Coordinator. U.S. EPA shall notify the  
4 Respondents, and Respondents shall notify U.S. EPA, as early as  
5 possible before such a change is made, but in no case less than  
6 24 hours before such a change. Notification may initially be  
7 verbal, but shall promptly be reduced to writing.

8           27. The U.S. EPA On-Scene Coordinator shall have the  
9 authority vested in an On-Scene Coordinator by the NCP, 40 CFR  
10 Part 300, as amended, including the authority to halt, conduct,  
11 or direct any work required by this Order, or to direct any other  
12 response action undertaken by U.S. EPA or the Respondents.

13           28. No extensions to the above time frames shall be  
14 granted without sufficient cause. All extensions must be  
15 requested in writing, and shall not be deemed accepted unless  
16 approved in writing, by U.S. EPA.

17           29. All instructions by the U.S. EPA On-Scene  
18 Coordinator or his designated alternate shall be binding upon the  
19 Respondents as long as those instructions are not clearly  
20 inconsistent with the National Contingency Plan.

21           30. To the extent that the Facility, or other areas  
22 where work under this Order is to be performed is owned by, or in  
23 possession of, someone other than the Respondents, the  
24 Respondents shall obtain all necessary access agreements. In  
25 the event that after using their best efforts any Respondent is  
26 unable to obtain such agreements, the Respondent shall  
27 immediately notify U.S. EPA.

28           31. The Respondents shall provide access to the Site  
29 to U.S. EPA employees, contractors, agents, and consultants at  
30 reasonable times, and shall permit such persons to be present and  
31 move freely in the area in order to conduct inspections,  
32 including taking photographs and videotapes of the Site, to do  
33 cleanup/stabilization work, to take samples, to monitor the work  
34 under this Order, and to conduct other activities which the U.S.  
35 EPA determines to be necessary.

36           32. Nothing contained herein shall be construed to  
37 prevent U.S. EPA from seeking legal or equitable relief to  
38 enforce the terms of this Order, or from taking other legal or  
39 equitable action as it deems appropriate and necessary, or from  
40 requiring the Respondents in the future to perform additional  
41 activities pursuant to CERCLA, 42 U.S.C. Section 9601, et seq.,  
42 or any other applicable law.

43           33. The provisions of this Order and the directions of  
44 the On-Scene Coordinator shall be binding on the employees,  
45 agents, successors, and assigns of the Respondents.

1           34. The Respondents shall retain copies of all records  
2 and files relating to hazardous substances found on the site for  
3 six (6) years following completion of the activities required by  
4 this Order and shall make them available to the U.S. EPA prior to  
5 the termination of the removal activities under this Order.

6           35. The Respondents shall submit a final report  
7 summarizing the actions taken to comply with this Order. The  
8 report shall contain, at a minimum: identification of the  
9 facility, a description of the locations and types of hazardous  
10 substances encountered at the facility upon the initiation of  
11 work performed under this Order, a chronology and description of  
12 the actions performed, a discussion of how all problems were  
13 resolved, a listing of quantities and types of materials removed  
14 from the facility, a discussion of removal and disposal options  
15 considered for any such materials, a listing of the ultimate  
16 destination of those materials, and a presentation of the  
17 analytical results of all sampling and analysis performed and  
18 accompanying appendices containing all relevant paperwork  
19 prepared during the action (e.g., manifests, invoices, bills,  
20 contracts, permits). The final report shall also include the  
21 total cleanup costs incurred for all removal activities and an  
22 affidavit from a person who supervised or directed the  
23 preparation of that report. The affidavit shall certify under  
24 penalty of law that based on personal knowledge and appropriate  
25 inquiries of all other persons involved in preparation of the  
26 report, the information submitted is true, accurate, and complete  
27 to the best of the affiant's knowledge and belief. The report  
28 shall be submitted within thirty (30) days of completion of the  
29 work required by this Order.

30           36. All notices, reports, and requests for extensions  
31 submitted under the terms of this Order shall be sent by  
32 certified mail, return receipt requested, and addressed to the  
33 following:

34  
35           one copy to: Daniel Shane  
36                       On-Scene Coordinator (H-8-3)  
37                       U.S. EPA  
38                       75 Hawthorne Street  
39                       San Francisco, CA 94105  
40                       (415) 744-2286

41           one copy to: John P. Jaros  
42                       Enforcement Officer (H-8-4))  
43                       U.S. EPA  
44                       75 Hawthorne Street  
45                       San Francisco, CA 94105  
46                       (415) 744-2316

1           37. If any provision of this Order is deemed invalid  
2 or unenforceable, the balance of this Order shall remain in full  
3 force and effect.

4                           REIMBURSEMENT OF COSTS

5           38. Respondents shall reimburse EPA, upon written  
6 demand, for all response costs incurred by the United States in  
7 overseeing Respondents' implementation of the requirements of  
8 this Order. EPA may submit to Respondents on a periodic basis a  
9 bill for all response costs incurred by the United States with  
10 respect to this Order. EPA's itemized Cost Summary, or such  
11 other summary as certified by EPA, shall serve as the basis for  
12 payment.

13           39. Respondents shall, within 30 days of receipt of  
14 the bill, remit a cashier's or certified check for the amount of  
15 those costs made payable to the "Hazardous Substance Superfund"  
16 to the following address:

17                           U.S. Environmental Protection Agency  
18                           Superfund Accounting  
19                           P.O. Box 360863M  
20                           Pittsburgh, PA 15251

21           40. Respondents shall simultaneously transmit a copy  
22 of the check to the Deputy Director, Hazardous Waste Management  
23 Division, U.S. EPA Region 9. Payments shall be designated as  
24 Response Costs - Omega Chemical Site and shall reference the  
25 payor's name and address, the EPA Site identification number and  
26 the docket number of this Order.

27           41. Interest at a rate established by the Department  
28 of the Treasury pursuant to 31 U.S.C. Section 3717 and 4 CFR  
29 Section 102.13 shall begin to accrue on the unpaid balance from  
30 the day after the expiration of the 30 day period notwithstanding  
31 any dispute or an objection to any portion of the costs.

32                           MODIFICATIONS

33           42. Modifications to any plan or schedule may be made  
34 in writing by the OSC or at the OSC's oral direction. If the OSC  
35 makes an oral modification, it will be memorialized in writing  
36 within 5 days; provided, however, that the effective date of the  
37 modification shall be the date of the OSC's oral direction.

38           43. The rest of the Order, or any other portion of the  
39 Order may only be modified in writing by signature of the  
40 Director of the Hazardous Waste Management Division.  
41 If Respondents seek permission to deviate from any approved plan



1 or schedule, Respondents' Project Coordinator shall submit a  
2 written request to EPA for approval outlining the proposed  
3 modification and its basis.

4 44. No informal advice, guidance, suggestion, or  
5 comment by EPA regarding reports, plans, specifications,  
6 schedules, or any other writing submitted by the Respondents  
7 shall relieve the Respondents of their obligations to obtain such  
8 approval as may be required by this Order, and to comply with all  
9 requirements of this Order unless it is formally modified.

#### 10 ACCESS TO ADMINISTRATIVE RECORD

11 45. The Administrative Record supporting the selection  
12 of the response action for this site is available for review on  
13 normal business days between the hours of 9:00 a.m. and 5:00 p.m.  
14 in the Office of Regional Counsel, United States Environmental  
15 Protection Agency, Region IX, 75 Hawthorne Street, 16th Floor,  
16 San Francisco, California. If additional information becomes  
17 available, EPA will revise the Administrative Record to reflect  
18 such material. To review the Administrative Record contact  
19 Jeannie Cervera (415) 744-1388. A draft Index to the  
20 Administrative Record is enclosed with the Order.

#### 21 OPPORTUNITY TO CONFER

22 46. With respect to the actions required above, within  
23 three calendar days upon receipt of the Order, the Respondents  
24 may request a conference with EPA to discuss the conditions  
25 herein set forth in the Order. Respondents may appear in person  
26 or be represented by an attorney or other representative.  
27 Respondents may present any information regarding this Order.  
28 Regardless of whether a conference is held, Respondents may  
29 submit any information arguments or comments in writing to EPA  
30 within 2 business days following the conference, or within 7  
31 business days of issuance of the Order if no conference is  
32 requested. This conference is not an evidentiary hearing, does  
33 not constitute a proceeding to challenge this Order, and does not  
34 give Respondents a right to seek review of this Order. Please  
35 contact John Jaros at (415) 744-2316 or Jeannie Cervera at (415)  
36 744-1388 to arrange an appropriate date for a conference.

37  
38 47. The Respondents are hereby notified that U.S. EPA  
39 will take any action which may be necessary in the determination  
40 of U.S. EPA for the protection of public health and welfare and  
41 the environment, and Respondents may be liable under Section  
42 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for all past and  
43 future costs of these government actions.

1                                    PENALTIES FOR NONCOMPLIANCE

2                    48. The Respondents are advised pursuant to Section  
3 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful  
4 violation or subsequent failure or refusal to comply with this  
5 Order, or any portion thereof, may subject each noncomplying  
6 Respondents to a civil penalty of up to \$25,000 per day for each  
7 day in which such violation occurs, or such failure to comply  
8 continues. Failure to comply with this Order, or any portion  
9 thereof, without sufficient cause may also subject the  
10 Respondents to liability for punitive damages in an amount three  
11 times the amount of any cost incurred by the government as a  
12 result of the failure of the Respondents to take proper action,  
13 pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section  
14 9607(c)(3).

15                                    COMPLIANCE WITH OTHER LAWS

16                    49. The Respondents shall comply with all applicable  
17 federal, state, and local laws and regulations in carrying out  
18 the terms of this Order. As indicated above, all hazardous  
19 substances removed from the Site must be handled in accordance  
20 with the Resource Conservation and Recovery Act of 1976, 42  
21 U.S.C. Section 6921, et seq., the regulations promulgated under  
22 that Act, and Section 121(d)(3) of CERCLA, 42 U.S.C. Section  
23 9621(d)(3).

24                                    ENDANGERMENT DURING IMPLEMENTATION

25                    50. The Director, Hazardous Waste Management Division,  
26 EPA Region IX, may determine that acts or circumstances (whether  
27 related to or unrelated to this Order) may endanger human health,  
28 welfare, or the environment, and as a result of this  
29 determination, may order the Respondents to stop further  
30 implementation of this Order until the endangerment is abated.

31                                    GOVERNMENT NOT LIABLE

32                    51. The United States Government and its employees and  
33 other representatives shall not be liable for any injuries or  
34 damages to persons or property resulting from the acts or  
35 omissions of the Respondents, their employees, contractors, or  
36 other representatives caused by carrying out this Order. The  
37 United States Government is not a party to any contract with the  
38 Respondents.

1 THIS ORDER IS ISSUED on this 10 day of April, 1996.

2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

3 By: Keith Takata  
4 Keith Takata, Deputy Director  
5 Hazardous Waste Management Division  
6 United States Environmental Protection Agency  
7 Region IX

EPA Contacts:

Dan Shane  
Federal On-Scene Coordinator  
Emergency Response Section (H-8-3)  
United States Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-2286

John P. Jaros  
Enforcement Officer  
Removal Response Section (H-8-4)  
United States Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-2316

Jeannie Cervera  
Assistant Regional Counsel (RC-3-1)  
Office of Regional Counsel  
United States Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-1388

APPENDIX A

DODSON BROTHERS OIL SITE

ORDER 96-08 RESPONDENT LIST

1. Floyd Dodson  
P.O. Box 307  
Doyle, California 96109
2. Behr Process Corporation  
Attn: Michael Butler  
1603 W. Alton Avenue  
Santa Ana, California 92704
3. Detrex Corporation  
Attn: Robert Currie, Esq.  
24901 Northwestern Highway, Suite 500  
Southfield, Michigan 48075
4. Lockheed Martin  
Attn: William A. Sullivan, Esq.  
Assistant General Counsel  
4500 Park Granada Boulevard  
Calabasas, California 91399
5. Mobil Oil Corporation  
Superfund Response Branch  
Attn: Michael Skinner, Esq.  
3225 Gallows Road  
Fairfax, Virginia 22037

DODSON BROTHERS OIL  
Superfund Removal Site  
Montclair, California  
ADMINISTRATIVE RECORD CUMULATIVE INDEX  
IN CHRONOLOGICAL ORDER

DATE yy/mm/dd	AR #	AUTHOR	ADDRESSEE	SUBJECT
93/03/26	AR 0 1	Bechtel Corp	Environmental Protection Agency - Region 9	Response action analysis workplan & sampling & analysis plan, anticipated sampling dates 5/17/93-6/4/93, w/marginalia
93/10/15	AR 0 2	Anjana Vig I C F Technology, Inc	Environmental Protection Agency - Region 9	Data validation rpt: SAS 8070Y-01, memo #1, 4 soil samples for SAS volatiles, collected 8/25/93-8/26/93, w/TL to M Bellot fr M Weiner
94/06/10	AR 0 3	Bechtel Corp	Environmental Protection Agency - Region 9	Integrated assessment
94/11/02	AR 0 4	Donald White Environmental Protection Agency - Region 9	Kenneth Cooper City of Claremont, CA	Ltr: General notice ltr, w/distribution list, attchs & A-B & w/o cert mail receipts (redacted, FOIA ex 6)
94/11/02	AR 0 5	Donald White Environmental Protection Agency - Region 9	Robert Kessler Johmar Enterprises	Ltr: General notice ltr, w/attach A & w/o cert mail receipt #842-769-680
94/12/02	AR 0 6	John Jaros Environmental Protection Agency - Region 9	Kenneth Cooper City of Upland	Ltr: Potentially responsible party work group meeting 12/13/94 (redacted, FOIA ex 6)
94/12/08	AR 0 7	Robert Wise Ecology & Environment, Inc	William Lewis Environmental Protection Agency - Region 9	Ltr: Site assessment rpt, w/attach maps & quality assurance sample plan
94/12/21	AR 0 8	John Jaros Environmental Protection Agency - Region 9	Kenneth Cooper City of Upland	Ltr: Appreciated cooperation at mtg, site rpt 12/8/94, summary of EPA's recommended SOW w/o attchs 1 & 2 (for attach 1 see 00007) (redacted, FOIA ex 6)
94/12/29	AR 0 9	Barry Groveman McKenna & Cuneo	John Jaros Environmental Protection Agency - Region 9	Ltr: Potentially responsible party work group (faxed), w/TL to J Jaros fr B Groveman
95/01/24	AR 0 10	Barry Groveman McKenna & Cuneo	John Jaros Environmental Protection Agency - Region 9	Ltr: Intent to conduct RI & preliminary removal action at site, w/TL to J Jaros fr B Groveman (faxed)
95/02/23	AR 0 11	Daniel Fresquez McKenna & Cuneo	Dan Shane Environmental Protection Agency - Region 9	Ltr: Developments after 2/8/95 mtg, confirm 3/7/95 deadline for workplan, w/proposal for remediation services 2/10/95
95/03/00	AR 0 12	John Jaros Environmental Protection Agency - Region 9	Daniel Fresquez McKenna & Cuneo	Ltr: Grants workplan time extension request TO 3/31/95

DODSON BROTHERS OIL  
Superfund Removal Site  
Montclair, California  
ADMINISTRATIVE RECORD CUMULATIVE INDEX  
IN CHRONOLOGICAL ORDER

DATE yy/mm/dd	AR #	AUTHOR	ADDRESSEE	SUBJECT
95/07/00	AR 024	Environmental Protection Agency - Region 9		Bulletin: EPA to oversee removal action in Montclair
95/07/11	AR 025	Dan Shane Environmental Protection Agency - Region 9	Environmental Protection Agency - Washington DC	Polrep 1
95/07/25	AR 026	Dan Shane Environmental Protection Agency - Region 9	Benjamin Blaney Environmental Protection Agency - Region 9	Memo: Need help evaluating feasibility of using bioremediation technologies to treat contaminants w/o attchs (for attchs see AR #s 7,19,5,90017,90015)
95/07/31	AR 027	Carl Potter Environmental Protection Agency - Risk Reduction Engineering Laboratory	Dan Shane Environmental Protection Agency - Region 9	Memo: Reviewed info on contamination characteristics of soil & UST, why bioremediation not suitable option, w/TL to D Shane fr C Potter (faxed 8/2/95)
95/07/31	AR 028	Dan Shane Environmental Protection Agency - Region 9	Environmental Protection Agency - Washington DC	Polrep 2
95/08/16	AR 029	John Jaros Environmental Protection Agency - Region 9	Kenneth Cooper City of Upland	Ltr: Update on outstanding issues discussed in mtg 8/15/95, extend deadline to 9/5/95 to resolve outstanding issues, w/o attch (redacted, FOIA ex 6)
95/09/01	AR 030	Daniel Fresquez Proskauer, Rose, Goetz & Mendelsohn	Peter Orth Environmental Protection Agency - Region 9	Ltr: Conflict over EPA position is limited removal action, need tech input fr EPA, call to schedule mtg w/ltr rpt to B Groveman fr J Smith 8/28/95
95/09/12	AR 031	Jane Freemyer B C Analytical	Robert Wise Ecology & Environment, Inc	Sampling & analysis data, w/TL to D Shane fr R Wise 9/26/95 (faxed 9/26/95 & 9/21/95)
95/09/28	AR 032	Dan Shane Environmental Protection Agency - Region 9	Environmental Protection Agency - Washington DC	Polrep 3
95/10/18	AR 033	Ravi Narasimhan Park Environmental Corp	Robert Wise Ecology & Environment, Inc	Ltr: Status rpt on site mitigation activities, w/attchs
95/10/18	AR 034	Donald White Environmental Protection Agency - Region 9	Detrex Corp	Ltr: General notice ltr, w/distribution list & w/o cert mail receipts

DOOSON BROTHERS OIL  
Superfund Removal Site  
Montclair, California  
ADMINISTRATIVE RECORD CUMULATIVE INDEX  
IN CHRONOLOGICAL ORDER

DATE yy/mm/dd	AR #	AUTHOR	ADDRESSEE	SUBJECT
		Environmental Protection Agency - Region 9	Agency - Washington DC	
95/12/21	AR 047	Park Environmental Corp		Analytical rpt, w/Tls to D Shane fr E Furu 12/29/95 & to E Furu fr R Forsyth 12/29/95 & w/o quality assurance/quality control data
95/12/27	AR 048	Park Environmental Corp		Sampling & analysis data, w/TL to J Jaros fr E Furu (faxed 1/1/96)
96/01/09	AR 049	Environmental Protection Agency - Region 9	Robert Currie City of Southfield, MI	Ltr: Transmits docs & rpts which provide analytical data & historical chronology, related issues, w/o attchs
96/01/17	AR 050	Dan Shane Environmental Protection Agency - Region 9	Environmental Protection Agency - Washington DC	Polrep 6
96/01/17	AR 051	Robert Wise Ecology & Environment, Inc	William Lewis Environmental Protection Agency - Region 9	Interim rpt #1, responsible party removal monitoring
96/01/24	AR 052	Dan Shane Environmental Protection Agency - Region 9	Robert Currie City of Southfield, MI	Ltr: Summary of removal actions to date & outlined remaining actions, w/o volume & cost estimates
96/02/16	AR 053	Robert Currie Detrex Corp	John Jaros Environmental Protection Agency - Region 9	Ltr: Confirms understandings reached in teleconference 2/12/96
96/03/05	AR 054	John Jaros Environmental Protection Agency - Region 9	Mike Butler Behr Process Corp	Ltr: Proposed work to be performed
96/03/11	AR 055	Ed Bourke	Dan Shane Environmental Protection Agency - Region 9	Technical memo #1: Selected remedy for excavated soils containing volatile organic carbons (draft) w/tables 1 & 2 & TL to D Shane fr E Bourke (faxed)
96/03/13	AR 056	JoAnn Camacho Environmental Protection Agency - Region 9	Dan Shane Environmental Protection Agency - Region 9	Memo: Review of technical memo #1 - concerns re selection of soil vapor extraction as remedy
96/03/14	AR 057	Dan Shane Environmental Protection Agency - Region 9	Mike Butler Behr Process Corp	Ltr: Disapproval of proposed remedy in technical memo #1 & reasons why